

REMARKS

This paper is being filed in response to the final Office action mailed on June 15, 2004.

Sections 1 and 2 of the final action reject claims 1, 4, 5, 7, 8, 10, 12, 14, 15, 18, 21, 22, 25 and 26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,594,738 of Crisler et al. More specifically, the action bases its rejection on Figures 1 and 5, and on text appearing in column 9 of the Crisler reference. Upon review of the reference and the pending claims, however, it is believed that, for several reasons, the pending claims are allowable over Crisler.

Regarding the rejection of claims 1, 4, 7, 10, 18 and 25, the cited claims differ from the Crisler reference in several respects. For example, in Crisler a node does not assign itself a timeslot. The cited text at column 9, lines 18-21, of Crisler only discloses the sending of a timeslot request from a communication unit to a centralized controller. In Crisler, the central controller performs the requested timeslot assignment function. Thus, in Crisler, the communication unit does not assign itself a timeslot, the central controller assigns a timeslot to the communication unit after receiving a request from a communication unit. In contrast, a dynamic node of the pending claims assigns itself a timeslot.

The action states that "who determines the time slot is not recited in the rejected claim(s)." The rejected claims clearly state, however, that each dynamic node can assign itself a time slot from the available time slots of the time multiplex structure. The rejected claims do not state that a dynamic node merely

requests that an available time slot be assigned to it. Rather, a dynamic node of the claims can assign "itself" a time slot.

Further, the communication unit 102 of Crisler that is cited in the action is not a static node. According to the Crisler disclosure, it can clearly participate in the assignment protocol. For example, col. 3, line 67 to col. 4, line 2 states that the "time slot allocator 101 allocates the uplink time slots 108 to the communication unit 102 when the communication unit 102 requests to communicate" (underlining added).

Regarding the rejection of claims 5, 12, 21, 22 and 26, the Crisler reference does not disclose a static node and it does not disclose a static node with a preassigned slot. In col. 9, lines 32-33, the A2 time slots are allocated as a result of an earlier time slot request of a different communication unit. The cited A2 time slots were not preassigned. Rather, they were "requested" as part of the Crisler assignment protocol.

A communication unit that can obtain a time slot via an assignment as a result of its own request is clearly "participating" in the dynamic assignment protocol. Thus, a communication unit requesting and then using the A2 time slots cannot be called a static node. The cited Crisler reference shows only dynamically allocated slots that have been assigned by a time slot allocator (see col. 4, lines 9-12, and col. 9, lines 30-38, for example, of Crisler). It does not disclose the inclusion of a static node with a preassigned timeslot.

Section 4 of the final action states that claims 2, 3, 9, 13, 16, 17, 19, 20 and 27 would be allowable if rewritten in independent form to include the

limitations of the relevant base and intervening claims. For the reasons stated above, however, it is believed that these claims are also allowable in their present dependent form.

New claims have been added that are related to the pending claims. It is believed that these claims are also allowable.

In closing, a Notice of Allowance allowing all of the pending claims is respectfully requested.

Respectfully Submitted,

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